

Introduced by Senator Vargas

February 14, 2011

An act to add Section 1554.3 to the Penal Code, relating to bail.

LEGISLATIVE COUNSEL'S DIGEST

SB 291, as amended, Vargas. Bail.

The California Constitution prohibits excessive bail; from being required and requires the court, in fixing the amount of bail, to take into consideration the seriousness of the offense charged, the previous criminal record of the defendant, and the probability of ~~his or her~~ *the defendant* appearing at the trial or hearing of the case. Existing law generally regulates the provision of bail or bond, including forfeiture, vacation of forfeiture, and exoneration of bail or bond.

This bill would provide that after a person has been brought back to this state by extradition proceedings, the person shall be committed to a county jail with bail set in the amount of \$100,000 in addition to the amount of bail appearing on the warrant. A 48-hour noticed bail hearing, excluding weekends and holidays, would be required to deviate from this prescribed bail amount. *The bill would not preclude the application of other provisions of law that authorize enhancing the bail amount for felony charges appearing on the warrant.*

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1554.3 is added to the Penal Code, to
2 read:
3 1554.3. After a person has been brought back to this state by
4 extradition proceedings, the person shall be committed to a county
5 jail with bail set in the amount of one hundred thousand dollars
6 (\$100,000) in addition to the amount of bail appearing on the
7 warrant. A 48-hour noticed bail hearing, excluding weekends and
8 holidays, is required to deviate from this prescribed bail amount.
9 *Nothing in this section is intended to preclude the application of*
10 *subdivision (e) of Section 1270.1 to enhance the bail amount for*
11 *the felony charge appearing on the warrant.*